IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8986 OF 2007

Balasaheb Ananda Patil .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr.G.N.Salunke for petitioner

Ms.P.S.Cardozo, A.G.P. for respondent No.1

Mr.P.D.Dalvi for caveator

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th December 2007

P.C.

. The grievance in this petition is that during the implementation of election programme, the Assistant Registrar has intervened and

appointed an Administrator. Further, certain directions have been given to the Administrator with regard to voting rights of persons.

2. Mr.Dalvi appears for the original applicant - respondent No.2 and submits that there is a remedy provided against the order passed by the Assistant Registrar. Mr.Salunke does not dispute existence of alternate equally efficacious remedy i.e. remedy of appeal under section 152 of the Maharashtra Coop.Societies Act before the Dy.Registrar, Coop.Societies (Dairy), Pune.

3. Without entering into any controversy and keeping open all contentions in the proceedings which are likely to be initiated, I am of the view that following order would serve ends of justice:-

(a) Petitioner shall file an appeal

within a period of two weeks from today and the Appellate Authority shall examine the grievance with regard to the membership/voting rights of 74 persons and conclude the issue as to whether they have any right soas to have their names included in the final list of voters;

(b) The Administrator appointed in the meanwhile, shall only concern himself with day to day affairs and not take any policy decisions or those involving financial repercussions.

(c) He also shall not proceed with the election programme as notified but hold the same in abeyance till the Appellate Authority communicates its decision to the parties;

(d) For a period of two weeks from

the date the decision is communicated, the Administrator shall stand abided by the above directions so also not proceed with the election programme. The Competent Authority to decide the appeal, if filed within the stipulated time, within a period of six weeks from the date of filing of the appeal.

(e) Petition disposed of.

(f) Needless to state that the petitioner will cooperate with the Administrator and hand over all records and documents, if any, remaining to be so handed over.

(S.C.Dharmadhikari, J)